

RESOLUTION NO. 74265

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSE APPROVING A CITY COUNCIL POLICY ON LABOR
NEGOTIATION GUIDELINES**

WHEREAS, the City Council of the City of San José ("City") desires to set guidelines for the City Council and Council staff relating to labor negotiations;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Council Policy on Labor Negotiation Guidelines, attached hereto as Exhibit A to this resolution, is hereby approved.

ADOPTED this 4th day of March, 2008, by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS, REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

EXHIBIT A
DRAFT
City of San José, California

COUNCIL POLICY

TITLE Council Labor Negotiation Guidelines	PAGE 2 of 2	POLICY NUMBER
EFFECTIVE DATE	REVISED DATE	
APPROVED BY COUNCIL ACTION		

BACKGROUND

Collective bargaining is governed by the Meyers-Milias-Brown Act (MMBA), the City of San Jose Employer-Employee Relations Resolution (#39367) and the City Charter. The City Charter designates the City Manager as the chief administrative officer of the City. Accordingly, Resolution #39367 delegates the authority to negotiate labor contracts on behalf of the City to the City Manager or the City Manager's designee.

Pursuant to the Meyers-Milias-Brown Act, the City has a right to insist that contract negotiations take place at the bargaining table between the designated representatives of the City and the designated representatives of the various bargaining unit employees. Members of the City Council should refrain from negotiating directly with employee representatives. Both the City and the bargaining units have an obligation under applicable laws to negotiate in good faith.

As used in this policy, "negotiate" means to meet and confer with another to endeavor to reach agreement on matters within the scope of representation.

PURPOSE

This policy applies only to the Mayor, members of the City Council and Mayor and Council staff. References in this policy to members of the City Council or Council staff include the Mayor and Mayor's staff.

The purpose of this policy is to set guidelines for the City Council and Council staff to ensure labor negotiations are conducted in good faith and to avoid actions that would circumvent the City's designated bargaining team.

POLICY

It is the policy of the City Council that all of its members and staff shall abide by the following guidelines when the City Manager or the City Manager's designee is in negotiations with any bargaining unit:

1. Pursuant to San Jose Resolution #39367, negotiations are conducted by the City Manager through his/her designee. Accordingly, negotiations regarding potential

DRAFT

City of San José, California

TITLE	Council Labor Negotiation Guidelines	PAGE 2 of 3	POLICY NUMBER
--------------	---	-----------------------	----------------------

proposals and possible settlement shall occur between the City's designated negotiator(s) and the union's designated negotiator(s).

2. Pursuant to Section 411 of the City Charter, while the Council may express its views to the City Manager, the Council shall not interfere with the execution by the City Manager of his or her authority and duty to negotiate on behalf of the City.
3. Members of the City Council or Council staff shall not negotiate with the bargaining unit representatives or persons acting on their behalf.
4. Nothing in this policy shall prohibit members of the City Council or Council staff from listening to bargaining unit representatives or persons acting on their behalf. Members of the City Council shall not respond to or discuss any proposals not presented to the negotiating team or any other confidential closed session discussion.
5. Material communications regarding issues related to ongoing negotiations to members of the City Council or Council staff, members of the City Council shall disclose it to the City Manager and to the entire City Council.
6. Authorization and direction to the City's negotiating team is provided in closed session. In order to maintain the integrity of the negotiation process, such authorization must remain confidential.